

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 753 OF 2014**

Mrinal Sushil Prabhudesai

..Petitioner

Vs.

Ramkrishna Bhaskar Prabhudesai & Ors.

..Respondents

Mr. Nelson Rajan P. V. for the Petitioner

Mr. R. S. Datar for the Respondent Nos.1 and 2

Mr. Sandesh Patil for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 6th FEBRUARY, 2015

P.C.

1 The above Petition in terms of the order dated 23-12-2014 is kept only for the purpose of the Petitioner making a statement as to within what time she would vacate the present premises of the Respondent Nos.1 and 2 and move to the flat at Panchpakhadi, which is the arrangement made by the Respondent No.3 i.e. her husband. It was made clear that no further arguments would be entertained on any count. In paragraph 4, the statement made by the Learned Counsel for the Petitioner has been recorded which is to the following effect :

“Upon this, the Learned Counsel appearing for the Petitioner states that the said arrangement is acceptable to the Petitioner, but the Petitioner would like to visit the said flat and would then make a statement as to within what time she

would move out of the flat of the Respondent Nos.1 and 2 and move to the said flat at Panchpakahadi, Thane.”

2 Hence when the Petition is only kept for the said purpose and it was made clear that no further arguments would be entertained, the Learned Counsel for the Petitioner Mr. Nelson ventured to make submissions as regards the suitability of the premises in question. As indicated above, the acceptability of the premises by the Petitioner was recorded in the said order and the Petition was kept pending only for the limited purpose which has been mentioned hereinabove.

3 The Learned Counsel appearing on behalf of the Respondent No.3 states that the Petitioner had visited the premises and communicated to the Respondent No.3 the works which were required to be carried out by way of minor repairs. The Learned Counsel for the Respondent No.3 states that the said works have been carried out. The Learned Counsel for the Respondent No.3 states that the undertaking in terms of the said order dated 23-12-2014 has also been filed. In my view, it is not possible to entertain the contentions which are now sought to be urged on behalf of the Petitioner, in the light of the order dated 23-12-2014. The reluctance of the Learned Counsel to mention the time within which the Petitioner would vacate the premises is obvious. The intention of the Petitioner is to latch on to the premises of the Respondent

Nos.1 and 2. This Court is therefore required to fix the time. The Petitioner is therefore granted time up to 15-3-2015 to vacate the premises she is occupying of the Respondent Nos.1 and 2 who are her in-laws.

4 For the reasons which have already been recorded in the order dated 23-12-2014, however subject to the time granted as above, the Writ Petition is dismissed.

[R.M.SAVANT, J]